

**IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
INITIAL APPEARANCE**

CASE NO.: CR-07-00095

DATE: October 19, 2007

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HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: Judith P. Hattori

Court Recorder: Virginia T. Kilgore

Courtroom Deputy: Virginia T. Kilgore

Electronically Recorded: 10:48:13 - 11:29:12

CSO: N. Edrosa

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**APPEARANCES:**

Defendant: Kelly Francisco

Attorney: Louie Yanza

☒ Present ☒ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☐ FPD ☐ CJA

U.S. Attorney: Rosetta San Nicolas

U.S. Agent: Thanh Churchin, DEA

U.S. Probation: Judy Ocampo

U.S. Marshal: C. Marquez

Interpreter:

Language:

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**PROCEEDINGS: Initial Appearance and Arraignment**

- Defendant sworn and examined.
- Defendant arraigned and advised of his rights, charges and penalties.
- Defendant waives reading of Indictment.
- Plea entered: Not guilty
- Trial set for: December 18, 2007 at 9:30 A.M.
- Government objected to defendant's release. The Court adopted pretrial's recommendation and approved defense counsel's request for release with third party custodians. The Court further ordered the defendant be placed on home detention subject to probation's home assessment report. Government counsel's renewed request for detention was denied. Defendant released. (See release conditions on page 2).

NOTES: Agent Thanh Churchin was sworn and examined.

## Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ☒ ) (6) The defendant is placed in the custody of:

(Name of person or organization) Nicolas D. Francisco, Sherra L. Francisco and Vennessa Marie S.A. Francisco

(Address \_\_\_\_\_)

(City and state) \_\_\_\_\_ (Tel. No.) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_  
Custodian or Proxy Custodian or Proxy Custodian or Proxy Date

( ) (7) The defendant shall:

( ☒ ) (a) report to the U.S. Probation Office as directed,  
telephone (671) 473-9201, not later \_\_\_\_\_.

( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

( ) (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described \_\_\_\_\_.

( ) (d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_

( ☒ ) (e) maintain or actively seek employment.

( ) (f) maintain or commence an education program.

( ☒ ) (g) surrender any passport to: U.S. Probation Office, 2<sup>nd</sup> Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910 within two weeks

( ☒ ) (h) obtain no passport.

( ☒ ) (i) abide by the following restrictions on personal association, place of abode, or travel:

Remain at a fixed address and not change address without permission of the court.

( ☒ ) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: Johnnie Fortner and the two individuals with Ms. Fortner when she was arrested in this case

( ) (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_

( ) (l) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_

( ) (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

( ☒ ) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

( ☒ ) (o) refrain from ( ☒ ) any ( ) excessive use of alcohol.

( ☒ ) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

( ☒ ) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

( ) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

( ☒ ) (t) participate in one of the following home confinement program components and abide by all the requirements of the program which ( ) will or ( ) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ☒ ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

( ☒ ) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

( ☒ ) (v) Not leave the U.S. Territory of Guam without the permission of the District Court of Guam.

( ) (w) \_\_\_\_\_

( ) (x) \_\_\_\_\_